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OFFICE OF PETITIONS

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

In re Application of :
Jackowski et al. :
Application No.: 09/845,738 :
Filing Date: April 30, 2001 :
Docket No.: 2132.040 :
For: Biopolymer Marker Indicative Of :
Disease State Having A Molecular :
Weight Of 1562 Daltons :


This is a decision on the Petition Under 37 CFR 1.137(b) filed on September 30, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed September 9, 2003, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on March 9, 2004. A Notice of Abandonment was mailed on May 18, 2004.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee and made the statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

This application is being referred to Technology Center 1641 for continued processing.


George M. Dombroske
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on behalf of
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